

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADIDAS AMERICA, INC., AND ADIDAS	:	
AG,	:	
	:	
Plaintiffs,	:	21-cv-5615 (JSR)
	:	
-v-	:	<u>Order</u>
	:	
THOM BROWNE INC.,	:	
	:	
Defendant.	:	
-----	x	

JED S. RAKOFF, U.S.D.J.

Before the Court is the motion of Adidas America, Inc. and Adidas AG (collectively, "Adidas") to remove the confidentiality designation on four documents produced by Thom Browne Inc. ("Tom Brown") that Adidas intends to file in support of its forthcoming motion pursuant to Federal Rule of Civil Procedure 60(b). See October 11, 2023 Minute Entry. Having considered the parties' written submissions, see Dkt. Nos. 217 & 218, as well as the contents of the four documents that were submitted for *in camera* review, the Court hereby grants in part and denies in part Adidas's motion. Specifically, the Court finds that Thom Browne has failed to establish that those portions of the documents discussing Adidas constitute "Confidential Information" pursuant to the Protective Order previously entered in this case. See Dkt. No. 32 ¶ 2. However, the Court further finds that redaction of the remainder

of the information in the documents that has no bearing on Adidas or its forthcoming motion is appropriate.

Because neither party has submitted proposed redactions of these documents, the Court, in the interest of time, has sent to the parties a set of proposed redactions that it views as appropriate. The redactions proposed by the Court may be accepted as is or may be modified by mutual agreement of the parties reached no later than 4 PM on October 18, and emailed then to the Court. But if one or both of the parties desires further redactions that they are unable to agree on, the parties are directed to jointly call Chambers by no later than 5 PM on October 18 to discuss these disputes.

On the current state of the record, Thom Browne's request for discovery into potential violations of the Protective Order is hereby denied.

SO ORDERED.

Dated: New York, NY

October 17, 2023


JED S. RAKOFF, U.S.D.J.